

BEFORE THE FEDERAL ELECTION COMMISSION

**ENFORCEMENT PRIORITY SYSTEM
DISMISSAL REPORT**

MUR: 7440

Respondents: New PAC
and Tony Souza, as Treasurer

Complaint Receipt Date: July 24, 2018

Response Date: September 26, 2018

EPS Rating:

**Alleged Statutory
Regulatory Violations:**

**52 U.S.C. § 30114(c)(2)
11 C.F.R. § 100.93(a)(3)(v), (c)(2)**

The Complaint alleges that New PAC, Representative Devin G. Nunes' leadership PAC, paid \$5,518 to Paramount Business Jets for non-commercial air travel.¹ The Response acknowledges paying Paramount Business Jets for air travel, but asserts that the aircraft used by Paramount Business Jets complies with all Commission regulations by indicating that the travel in question was actually commercial.²

Based on its experience and expertise, the Commission has established an Enforcement Priority System using formal, pre-determined scoring criteria to allocate agency resources and assess whether particular matters warrant further administrative enforcement proceedings. These criteria include (1) the gravity of the alleged violation, taking into account both the type of activity and the amount in violation; (2) the apparent impact the alleged violation may have had on the electoral process; (3) the complexity of the legal issues raised in the matter; and (4) recent trends in potential violations and other developments in the law. This matter is rated as low priority for Commission action after application of these pre-established criteria. Given that low rating and the

¹ Compl. at 1 (July 24, 2018).

² Resp. at 1 (Sept. 26, 2018). Respondents submitted a Federal Aviation Administration Operations Specifications form for Trident Aircraft, Inc. with their response, but did not clarify the relationship between Paramount Business Jets and Trident Aircraft. Compl. at 1, Ex. A.

apparent modest amount at issue, we recommend that the Commission dismiss the Complaint consistent with the Commission's prosecutorial discretion to determine the proper ordering of its priorities and use of agency resources. *Heckler v. Chaney*, 470 U.S. 821, 831-32 (1985). We also recommend that the Commission close the file as to all Respondents and send the appropriate letters.

4/12/19

Date

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